

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-13 are pending, Claims 1, 7 and 13 having been amended by way of the present amendment.

In the outstanding Office Action Claims 1, 2, 7, 8 and 13 were rejected as being anticipated by Perkins ("Mobile IP", Charles E. Perkins, IEEE Communications Magazine, May 1997, pages 84-99); Claims 1-3 were rejected as being unpatentable over Perkins in view of Ayoub et al. (WO 99/33305); and Claims 9-12 were indicated as being allowed.

Applicants appreciatively acknowledge the identification of allowable subject matter.

In reply Claim 1 has been amended to define a packet signal for use in a communication network for transmitting a packet to a mobile terminal through the packet communication network. The signal comprises destination information that is inclusive of a description of a state of a mobile terminal. The state is a state of movement or a state of environment in which the mobile terminal is placed. The destination information is for transmission of the packet to one or more mobile terminals having a state that matches the state of the mobile terminal. Support for the present amendment is found throughout the specification, for example in the present specification at page 15, line 24, continuing to page 16, line 5. Therefore, no new matter is added.

An attribute of the presently claimed invention, is that it is the destination information that includes a description of the state of the mobile terminal. This description is a description of a state of movement or a state of environment. In a non-limiting example, the state of environment may be a temperature, humidity, etc. By including this information in the destination information in the packet, and sending the same to one or more mobile stations having a state that matches with the state of the mobile terminal, significant advantages are obtained in terms of reduction in channel congestion and channel load.

Perkins is directed to a system that describes a care-of-address for a mobile terminal (e.g., mobile node in Figure 1 of Perkins) that is located within the range of a foreign agent, which is different than the home agent. In this case, when the mobile node moves away from its home network, it obtains a care-of-address with a foreign network for instance by listening for agent advertisements. Thus, the primary feature in Perkins is that it provides information indicative of whether the mobile terminal is located in a foreign network, or a home network and it accomplishes this through a registration process.

Comparing amended Claim 1 with Perkins, amended Claim 1 requires that the packet signal include destination information that is inclusive of a description of a state of a mobile terminal, where the state is a state of movement or a state of environment in which the mobile terminal is placed. Perkins neither teaches nor suggests this feature and therefore does not anticipate (nor render obvious) the invention defined by amended Claim 1. Although of different statutory class, it is respectfully submitted that amended Claims 7 and 13 also patentably define over Perkins for substantially the same reasons as discussed above with regard to amended Claim 1. Likewise, dependent Claims 2 and 8 are believed to patentably define over Perkins.

Claims 3-6, which depend from Claim 1, are rejected as being unpatentable over Perkins in view of Ayoub. The outstanding Office Action recognizes that Perkins does not disclose destination information specific to speed of a mobile terminal and therefore asserts page 10, lines 6-11 of Ayoub for this particular feature. However, Ayoub is directed to a system in which mode of operation switches in response to a particular speed of the mobile station through a cell network that is either determined or estimated. However, neither Ayoub nor Perkins teaches or suggests a traveling speed being described in the destination information of the packet. Therefore, no matter how Ayoub is combined with Perkins, the combination does not create a *prima facie* of obviousness, since neither reference no matter

how combined teaches or suggests all the elements of independent Claim 1. Moreover, independent Claim 1 includes the feature of a packet signal having destination information inclusive of a description of a state of the mobile terminal where the description includes a state of movement or a state of environment in which the mobile terminal is placed. Accordingly, it is respectfully submitted that amended Claim 1 as well as dependent Claims 3-6 patentably define over Perkins in view of Ayoub.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-13, as amended, patentably defines over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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